

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) CASE NO. CR00-184-TSZ
11 Plaintiff,)
12)
13 v.) SUMMARY REPORT OF U.S.
14) MAGISTRATE JUDGE AS TO
15 SATURNINO JOSEPH JAVIER,) ALLEGED VIOLATIONS
16) OF SUPERVISED RELEASE
17 Defendant.)
18)
19

20 An initial hearing on supervised release revocation in this case was scheduled before me
21 on May 26, 2010. The United States was represented by AUSA Susan Roe and the defendant
22 by Allen M. Ressler. The proceedings were digitally recorded.

23 Defendant had been sentenced on or about October 27, 2000 by the Honorable Thomas
24 S. Zilly on a charge of Conspiracy to Import and Distribute 100 or More Kilograms of Marijuana,
25 and sentenced to 87 months custody, 5 years supervised release. (Dkt. 242)

26 The conditions of supervised release included the standard conditions plus the
27 requirements that defendant be prohibited from possessing a firearm, submit to drug testing,
28 participate in a substance abuse program, abstain from alcohol, submit to search, and provide

01 financial information to his probation officer upon request.

02 On October 10, 2007, the conditions of supervision were modified to require defendant
03 to reside in a residential reentry program for up to 180 days. (Dkt. 465.)

04 On November 16, 2007, defendant admitted violating the conditions of supervised release
05 by leaving the judicial district without permission, committing the crime of battery, committing
06 the crime of delaying or obstructing a police officer, failing to report contact with law
07 enforcement within 72 hours, and consuming alcohol. Defendant was sentenced to 11 days in
08 custody with credit for time served, plus 36 months supervised release, with additional conditions
09 prohibiting him from entering any establishment where alcohol is the primary commodity for
10 sale, residence in a residential reentry center program for 30 days, and participation in a home
11 confinement program with electronic monitoring for 90 days. (Dkt. 469.) Supervised release was
12 modified on January 7, 2008 to require an additional 180 days of home confinement with
13 electronic monitoring and sobrietor. (Dkt. 470.) Home confinement with electronic monitoring
14 and sobrietor was required for an additional 120 days on June 12, 2009. (Dkt. 472.)

15 In an application dated April 20, 2010 (Dkt. 473, 474), U.S. Probation Officer Jerrod
16 Akins alleged the following violations of the conditions of supervised release:

17 1. Consuming alcohol on January 9, 2010, in violation of the special condition that
18 he refrain from the use of alcohol during the term of supervision.

19 2. Entering the bar at Nooksack River Casino on January 9, 2010, in violation of the
20 special condition that he not enter any establishment where alcohol is the primary commodity for
21 sale.

22 3. Failing to report contact with law enforcement within 72 hours, in violation of

01 standard condition No. 11.

02 4. Consuming alcohol on February 27, 2010, in violation of the special condition that
03 he refrain from the use of alcohol during the term of supervision.

04 5. Entering the bar at Nooksack River Casino on February 27, 2010, in violation of
05 the special condition that he not enter any establishment where alcohol is the primary commodity
06 for sale.

07 6. Associating with Robert Rabang, a convicted felon, in violation of standard
08 condition No. 9.

09 7. Failing to report contact with law enforcement within 72 hours, in violation of
10 standard condition No. 11.

11 8. Consuming alcohol on April 3, 2010, in violation of the special condition that he
12 refrain from the use of alcohol during the term of supervision.

13 9. Entering the bar at Nooksack River Casino on April 3, 2010, in violation of the
14 special condition that he not enter any establishment where alcohol is the primary commodity for
15 sale.

16 10. Failing to report contact with law enforcement within 72 hours, in violation of
17 standard condition No. 11.

18 Defendant was advised in full as to those charges and as to his constitutional rights.

19 Defendant admitted alleged violations 1-5, and 8-10, and waived any evidentiary hearing
20 as to whether they occurred. The government moved to dismiss alleged violations 6 and 7.

21 I therefore recommend the Court find defendant violated his supervised release as alleged
22 in violations 1-5 and 8-10, that the Court dismiss alleged violations 6 and 7, and that the Court

01 conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge
02 Zilly.

03 Pending a final determination by the Court, defendant has been released on the conditions
04 of supervision.

05 DATED this 26th day of May, 2010.

06 
07 Mary Alice Theiler
08 United States Magistrate Judge

09
10 cc: District Judge: Honorable Thomas S. Zilly
AUSA: Susan Roe
11 Defendant's attorney: Allen M. Ressler
Probation officer: Jerrod Akins
12
13
14
15
16
17
18
19
20
21
22